

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION**

UNITED STATES OF AMERICA

vs.

PHILLIP CURTIS GRACE

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Case No. 6:06-CR-329-S

ORDER

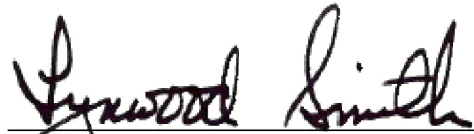
This matter is before the court on defendant's motion to dismiss Counts One and Two (doc. no. 28) and defendant's specific request for exculpatory material (doc. no. 33). The Magistrate Judge filed a report and recommendation recommending that the motion to dismiss be denied as moot as defendant conceded his motion was premature.¹ The Magistrate Judge also recommended that defendant's request for disclosure of exculpatory material be denied because he has failed to show a "particularized need" for grand jury materials. Defendant filed an objection to the report and recommendation as it pertained to his specific request for disclosure of exculpatory material.² Upon consideration of the arguments presented by counsel and the report and recommendation of the Magistrate Judge, this court accepts the Magistrate Judge's recommendation that defendant's motion to dismiss be denied as

¹ See doc. no. 36.

² See doc. no. 37.

moot, and that defendant's specific request for exculpatory materials be denied. In doing so, the court relies heavily upon the government's representation that the "subpoenas were specifically relating to possible money laundering" ³ Accordingly, the motion to dismiss Counts One and Two is DENIED AS MOOT, and the request for disclosure of exculpatory grand jury materials is DENIED.

DONE this 14th day of November, 2006.



United States District Judge

³ Transcript of October 19, 2006 Hearing at 12.